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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,546	07/30/2003	Yu-Hung Sun	66007.005	1545
65358	7590	06/21/2007	EXAMINER	
WPAT, PC 7225 BEVERLY ST. ANNANDALE, VA 22003			DINH, TAN X	
			ART UNIT	PAPER NUMBER
			2627	
			MAIL DATE	DELIVERY MODE
			06/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/604,546

Applicant(s)

SUN ET AL.

Examiner

TAN X. DINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1) A Request for Continued Examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/15/2007 has been entered.

2) The preliminary amendment filed 4/15/2007 is acknowledged. Claims 1-7 have been canceled. New claims 8-18 are added.

3) Claims 8-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "stopping said optical disc pickup head at said position" (claim 8, line 11) is unclear and cannot be understood. The position of the optical pick-up is variable since the pick-up is moved along on surface of the optical disc, for example, position of the optical pick-up at first duration time, position of the optical pick-up at second duration time, position of the optical pick-up at third duration time, etc., therefore, the phrase "said position" is not specific define any particular positions in this case.

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Claim(s) 9-12 incorporate the indefiniteness of claim(s) 8 by virtue of their dependency thereon.

4) Claims 8-12 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original specification fails to specify that "stopping said optical disk pickup head during said first time duration if said optical disk pickup head hits a spindle motor during said first time duration", "stopping said optical disk pickup head during said second time duration if said optical disk pickup head hits said spindle motor during said second time duration" (claim 8), "optical disk pickup head is stopped when said optical disk pickup head hits said spindle motor" (claim 10), "optical disk pickup head is stopped when said optical disk pickup head hits a spindle motor in one of said first time duration, said second time duration, and said third time duration" (claim 15). These features are considered to be new matter.

5) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections

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under this section made in this Office action:

A person shall be entitled to a patent unless -

6) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7) Claims 8,10,13,14 and 18, as understood by the meaning of 112, 1st paragraph above, are rejected under 35 U.S.C. 102(b) as being anticipated by YOU et al (5,764,602).

YOU et al discloses a method for moving an optical pick-up head module as claimed in claims 8 and 10, comprising the step of:

moving the optical disk pickup head at a first speed during a first time duration (Fig.3, time period 1);

stopping optical disk pickup head during first time duration if optical disk pickup head hits a spindle motor during first time duration (in this case, the optical pick-up can not move further to inner area when it hits spindle motor);

moving the optical disk pickup head at a second speed during a second time duration if the optical disk pickup head does not hit the spindle motor during first time duration (Fig.3, the speed at time period 2);

stopping optical disk pickup head during second time duration if optical disk pickup head hits spindle motor during second time duration (in this case, the optical pick-up can not

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move further to inner area when it hits spindle motor);

moving optical disk pickup head at a third speed during a third time duration if optical disk pickup head does not hit spindle motor during second time duration and stopping optical disk pickup head at position, wherein the first speed is greater than second speed, second speed is greater than third speed, third speed is greater than 0, the first time duration is before second time duration and the second time duration is before the third time duration (Fig.3, the speed at time period 3).

Claims 13,14 and 18 are rejected with the same reasons set forth in claims 8 and 10 above.

8) Claims 8,10,11,13,14,16 and 18, as understood by the meaning of 112, 1st paragraph above, are further rejected under 35 U.S.C. 102(b) as being anticipated by SOHMUTA (5,623,461).

SOHMUTA discloses a method for moving an optical pick-up head module as claimed in claims 8 and 10, comprising the step of:

moving the optical disk pickup head at a first speed during a first time duration (Fig.7, time period t0-t1);

stopping optical disk pickup head during first time duration if optical disk pickup head hits a spindle motor during first time duration (in this case, the optical pick-up can not move further to inner area when it hits spindle motor);

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moving the optical disk pickup head at a second speed during a second time duration if the optical disk pickup head does not hit the spindle motor during first time duration (Fig.7, the speed at time period t_1-t_2);

stopping optical disk pickup head during second time duration if optical disk pickup head hits spindle motor during second time duration (in this case, the optical pick-up can not move further to inner area when it hits spindle motor);

moving optical disk pickup head at a third speed during a third time duration if optical disk pickup head does not hit spindle motor during second time duration and stopping optical disk pickup head at position, wherein the first speed is greater than second speed, second speed is greater than third speed, third speed is greater than 0, the first time duration is before second time duration and the second time duration is before the third time duration (Fig.7, the speed at time period t_2-t_3).

As to claims 11 and 16, SOHMUTA shows moving the optical disk pickup head at a forth speed during a forth time duration if optical disk pickup head does not hit spindle motor during third time duration, wherein third speed is greater than forth speed and the third time duration is before the forth time duration and the forth speed is greater than 0 (Fig.7, the time period t_3-t_4).

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Claims 13,14 and 18 are rejected with the same reasons set forth in claims 8 and 10 above.

9) Claims 8,10,11,13,14,16 and 18, as understood by the meaning of 112, 1st paragraph above, are further rejected under 35 U.S.C. 102(b) as being anticipated by OGINO (5,428,590).

OGINO discloses a method for moving an optical pick-up head module as claimed in claims 8 and 10, comprising the step of:

moving the optical disk pickup head at a first speed during a first time duration (Fig.2, actual velocity, time period from beginning to top speed);

stopping optical disk pickup head during first time duration if optical disk pickup head hits a spindle motor during first time duration (in this case, the optical pick-up can not move further to inner area when it hits spindle motor);

moving the optical disk pickup head at a second speed during a second time duration if the optical disk pickup head does not hit the spindle motor during first time duration (Fig.2, actual velocity, the time period at top speed and c);

stopping optical disk pickup head during second time duration if optical disk pickup head hits spindle motor during second time duration (in this case, the optical pick-up can not move further to inner area when it hits spindle motor);

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moving optical disk pickup head at a third speed during a third time duration if optical disk pickup head does not hit spindle motor during second time duration and stopping optical disk pickup head at position, wherein the first speed is greater than second speed, second speed is greater than third speed, third speed is greater than 0, the first time duration is before second time duration and the second time duration is before the third time duration (Fig.2, actual velocity, the time period at c and b).

As to claims 11 and 16, SOHMUTA shows moving the optical disk pickup head at a forth speed during a forth time duration if optical disk pickup head does not hit spindle motor during third time duration, wherein third speed is greater than forth speed and the third time duration is before the forth time duration and the forth speed is greater than 0 (Fig.2, actual velocity, the time period at b and a).

Claims 13,14 and 18 are rejected with the same reasons set forth in claims 8 and 10 above.

10) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to

which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12) Claims 9, 12, 14 and 17, as understood by the meaning of 112, 1st paragraph above, are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of YOU et al (5,764,602), SOHMUTA (5,623,461) or OGINO (5,428,590).

YOU et al, SOHMUTA or OGINO, above, discloses all the subject matter as claimed in claims 9 and 14, except that the position is target position rather than initial position. However, the method as taught by YOU et al, SOHMUTA or OGINO are capable of moving the optical pickup to any desirable positions on the optical disc, obviously, to apply these methods for moving the optical pick-up to

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an initial position as claimed is clearly within the level of skill in the optical recording art.

As to claims 12 and 17, it would have been obvious to someone with ordinary skill in the art at the time of the invention was made to calculate a return distance and moving back optical pickup when unloading or loading optical disc since this technique is old and widely used in the optical recording art (figure 4 of YOU et al shows the method for calculating distance between present position and any target positions of the optical pickup and moving the optical between these positions).

13) Applicant's arguments with respect to claims 8-18 have been considered but are moot in view of the new ground(s) of rejection.

14) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant is reminded that in amending in response to a rejection of claims (if the rejection involves with any applicable arts), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

Form PTO-892 is attached herein.

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15) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN XUAN DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY to FRIDAY from 9:00AM to 5:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TAN DINH
PRIMARY EXAMINER
June 14, 2007